

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERMAN GODOY, et al.,

Plaintiffs,

No. CV04-0670P

SCOTT A. MORRIS, et al.,

Plaintiff,

No. CV04-1997P

v.

AT&T WIRELESS SERVICES, INC.,

Defendant.

ORDER GRANTING
DEFENDANT'S MOTION TO STAY
PROCEEDINGS

This matter comes before the Court on Defendant's Motion to Stay these cases pending final approval of a related nationwide class action settlement in the New Jersey Superior Court. Having considered all papers and filings related to this Motion, the Court GRANTS Defendant's Motion.

Plaintiffs filed separate actions before this Court alleging that Defendant breached its contracts with Plaintiffs, as well as violated the Federal Communications Act and the Washington Consumer Protection Act, when Defendants received notice of Plaintiffs' cancellation of their service in the middle of a billing cycle, yet charged Plaintiffs for a full month of service. On February 8, 2005, this Court issued an Order directing that these cases be managed jointly (04-0670, Dkt. No. 61). Plaintiffs are currently seeking class certification before this Court.

As pointed out by Defendant AT&T, the results of the class settlement now pending in New Jersey will likely affect the proceedings in this case because that case addresses similar factual and

1 legal issues as the cases currently before this Court. Accordingly, this case is hereby STAYED until
2 the Court in New Jersey makes a final decision regarding the class settlement in the Rolnick v. AT&T
3 Wireless Services, Inc. case.

4 The parties shall submit a Joint Status Report regarding the status of the Rolnick case and the
5 current case to this Court **no later than August 31, 2005, or within fifteen (15) days** of the final
6 class settlement decision of the New Jersey Court, whichever occurs first. This status report shall
7 include a statement of how the parties wish to proceed and a revised case schedule that includes
8 estimated time frames regarding discovery, motions practice, mediation, and trial.

9 Additionally, the Court notes that there are several motions currently pending before this
10 Court in these cases, including Defendant's Motions to Compel Arbitration, Plaintiffs' Motion to
11 Compel the "Hitachi Documents," and Plaintiffs' Motion for Class Certification. This Order shall
12 serve to strike all pending motions currently before the Court in this case. When the stay on this case
13 is lifted, the parties may elect to re-file these Motions before the Court.

14 The Clerk of the Court shall direct a copy of this order be sent to all counsel of record.

15 Dated: May 23, 2005.

16 /s/ Marsha J. Pechman
17 Marsha J. Pechman
18 United States District Judge
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